



2026:AHC:3614

HIGH COURT OF JUDICATURE AT ALLAHABAD

CRIMINAL MISC. BAIL APPLICATION No. - 31766 of 2025

Brajesh

.....Applicant(s)

Versus

State of U.P.

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Sanjeev Kumar Trivedi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 68

HON'BLE ASHUTOSH SRIVASTAVA, J.

Heard Shri Sanjeev Kumar Trivedi, learned counsel for the applicant, Shri Arimardan Yadav, learned A.G.A. for the State and perused the record of the case.

The present bail application under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed on behalf of applicant, Brajesh with a prayer to release him on bail in Case Crime No. 286 of 2025, under Section 8/20/29/60 of Narcotic Drugs and Psychotropic Substances Act, 1985, Police Station- Sachendi, District- Kanpur Nagar.

Learned counsel for the applicant has contended that 75 Kg. 450 grams of Ganja is alleged to have been recovered from the vehicle in which applicant and co-accused persons were travelling. In fact no such recovery was effected. It is further submitted that since such recovery is not supported by independent witness, possibility of his false implication in the crime cannot be ruled out. It is also argued that the applicant is absolutely innocent and has been falsely implicated in the present crime with a view to cause unnecessary harassment and victimize him. Learned counsel for the applicant submits that similarly circumstanced co-accused Shaney Alam has already been enlarged on bail by this Court on 15.12.2025 in Criminal Misc. Bail Application No. 32683 of 2025. The applicant, who is in jail since 15.7.2025 having no criminal history to his credit, deserves to be released on bail. In case the applicant is released on bail he will not misuse the liberty of bail.

Per contra learned A.G.A. has opposed the bail prayer of the applicant by contending that the innocence of the applicant cannot be adjudged at pre trial stage who is involved in supplying contraband, therefore, the applicant does not deserve any indulgence. In case the applicant is released on bail he will again indulge in similar activity.

Considering the facts of the case, larger mandate of Article 21 of the constitution of India, the nature of accusations, the nature of evidence in support thereof, the severity of punishment which conviction will entail, the character of the accused-applicant, circumstances which are peculiar to the accused, reasonable possibility of securing the presence of the accused at the trial, reasonable apprehension of the witnesses being tampered with, the larger interest of the public/ State and other circumstances, but without expressing any opinion on the merits, I am of the view that it is a fit case for grant of bail.

Accordingly, the bail application is ***allowed***.

Let the applicant **Brajesh** involved in abovesaid case crime be released on bail on his furnishing a personal bond and two sureties each in the like amount to the satisfaction of the court concerned with the following conditions that :-

1. The applicant shall not tamper with the prosecution evidence by intimidating/ pressurizing the witnesses, during the investigation or trial.
2. The applicant shall cooperate in the trial sincerely without seeking any adjournment.
3. The applicant shall not indulge in any criminal activity or commission of any crime after being released on bail.

In case of breach of any of the above conditions, it shall be a ground for cancellation of bail. Identity, status and residence proof of the applicant and sureties be verified by the court concerned before the bonds are accepted.

(Ashutosh Srivastava,J.)

January 7, 2026
Ravi Prakash